



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAR 17 2008

Ref: EPR-N

Mark Stiles, Forest Supervisor
San Juan National Forest
San Juan Public Lands Center
15 Burnett Court
Durango, CO 81301

Re: Durango Mountain Resort
Improvement Plan DEIS
CEQ #20080032

Dear Mr. Stiles:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the *Draft Environmental Impact Statement (DEIS)* for the Durango Mountain Resort (DMR) Improvement Plan on the San Juan National Forest. With this proposal, the U.S. Forest Service (USFS) proposes a series of improvements to the recreation experience by addressing issues related to the lift and terrain network, snowmaking coverage, guest services facilities and on-mountain maintenance infrastructure. We provide these comments in accordance with our authorities and responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The USFS proposes to upgrade DMR within the existing Special Use Permit area by replacing existing lifts with higher capacity lifts, adding new lifts, developing up to 20 new trails and a new tree-skiing area, improving trails and creating a dedicated teaching area at the top of the Twilight lift. Snowmobiling opportunities would be improved through trail rerouting and a developed parking/staging trailhead, snowmaking coverage would be expanded by 115 acres, two on-mountain restaurants would be expanded and a third new restaurant would be constructed at the top of the Twilight lift. The proposal also includes expanding the existing mid-mountain maintenance facility, adding new recreational trails, and constructing a new trailhead facility with parking and restrooms on the east side of Highway 550. DMR is located on the San Juan National Forest in La Plata and San Juan Country, CO.

The DEIS presents three alternatives, including the no action alternative and proposed action alternatives. Alternative 2 is the proposed action. Alternative 3 was developed to respond to potential wildlife issues related to habitat impacts. It would include all projects outlined in the

Proposed Action, with the exception of development of the Ice Creek Pod and Trail 70. This area provides winter foraging and other habitat for the Canada lynx, which is a listed threatened species under the Endangered Species Act. As discussed in the enclosed detailed comments, EPA considers Alternative 3 the environmentally preferable alternative.

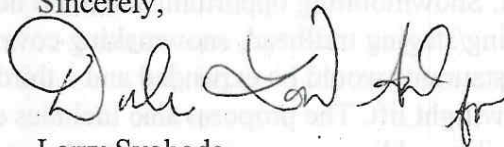
In general, the DEIS offers a thorough description of the proposed projects' impacts and how those impacts will be mitigated. The DEIS discusses how increased on-mountain water consumption and the installation of upgraded snowmaking infrastructure can potentially impact groundwater quantity, water quality and stream flows, and cause additional erosion and sedimentation. EPA supports the proposed road closures and watershed restoration projects described in the DEIS, which will reduce sedimentation and improve stream health conditions.

EPA's primary concern with the proposed action, Alternative 2, is its impact on lynx habitat, and inconsistencies with interagency commitments to lynx conservation measures and provisions. Other concerns include impacts to wetlands and water quality, and the lack of information in the DEIS to support the stated deficiencies in skier terrain and existing facilities. EPA is concerned that these deficiencies are driving alternatives, such as the development of Ice Creek Pod, which expands the developed footprint of the resort, and construction of a new 13,840 square foot restaurant at the top of the Twilight lift. The DEIS describes how these proposals may significantly impact wildlife habitat, but does not adequately document the overriding public need for these proposed projects.

EPA evaluates the potential effects of the proposed actions and the adequacy of information in the DEIS. We rate this DEIS an "EC-2" (environmental concerns, insufficient information) under EPA's enclosed ratings criteria. The EC rating indicates that the reviewer has identified environmental impacts that should be avoided in order to adequately protect the environment. These are described in the enclosed comments. We also recommend additional analysis and information to fully assess and mitigate all potential impacts of the management actions.

EPA appreciates the opportunity to review and comment on the DEIS and your willingness to consider our comments at this stage of the planning process. If you have any questions or would like to discuss our comments, please contact me at 303-312-6004 or Jody Ostendorf (303-312-7814) of my staff.

Sincerely,



Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

Detailed Comments

Durango Mountain Resorts Improvement Plan

Purpose and Need

The DEIS does not provide sufficient information showing that deficiencies in skier terrain exist at DMR. Table 1-1 compares existing skier distribution at DMR to the typical skier market to indicate deficiencies in beginner, low-intermediate, advanced-intermediate and expert terrain. Since each resort ranks its own trails based on the difficulty of that particular area, comparing the terrain distribution at DMR to the typical skier market does not demonstrate deficiency. The FEIS should provide a skier density comparison of DMR's existing terrain and a skier flow analysis to determine whether deficiencies exist. EPA is concerned that the stated deficiency which will be addressed, in part, by developing the Ice Creek Pod is not adequately supported in the DEIS.

The DEIS characterizes the current condition of the existing facilities as "lacking sufficient food service, ski school, restroom and public locker space to accommodate existing and anticipated visitation" (page 1-7). However, the DEIS provides little qualitative support (skier surveys) and no quantitative support for that statement. The Forest Service Manual (FSM) 2343.4 "authorizes concessioners to provide restaurant, café, or other food service facilities as separate enterprises only where there is an overriding public need for such facilities." The proposed action includes expanding the Powderhouse Restaurant by approximately 11,000 square feet, expanding Dante's Restaurant by 1,200 square feet, and construction of a new approximately 13,800-square foot lodge adjacent to the top terminal of the Twilight lift. EPA is concerned that an "overriding public need" for a new facility on public land has not been documented in the DEIS.

Alternatives

Similarly, the DEIS does not fully develop the need for expanding the developed footprint of the resort with the new lift and pod at Ice Creek. This area provides winter foraging and other habitat for the Canada lynx, which is a listed threatened species under the Endangered Species Act. The proposed action would "reduce the ability of developed ski terrain to occasionally support lynx use, and could impair, but not preclude, the ability of a lynx to maintain a local home range," (page 3-165) and would require an amendment to the Forest Plan. Alternative 2, even with implementation of three lynx conservation measures, is also inconsistent with two lynx-related provisions of the Lynx Conservation Assessment Strategy (LCAS) and one lynx-related provision of the proposed Southern Rockies Lynx Amendment (page 3-164). EPA appreciates the inclusion in the DEIS of an analysis of Alternative 3, which does not include the Ice Creek Pod. Alternative 3 is consistent with all lynx-related provision of LCAS and would be consistent with the Forest Plan. EPA considers Alternative 3 the environmentally preferable alternative.

Threatened and Endangered Species

The DMR Biological Assessment concludes that the effects of the Forest Service's action upgrading the DMR ski area facilities under alternatives 2 and 3 may result in adverse impacts to lynx (page 2-35). The Forest Service has committed to final conservation measures to avoid or minimize incidental take of Canada lynx by the Applicant, by avoiding a net increase in groomed or designated over-the-snow routes, and adjusting year-round nighttime maintenance activities to provide a 12-hour (6 p.m. to 6 a.m.) period for the lynx to nocturnally forage without human disturbance. EPA notes that the proposed Twilight restaurant would operate in the evening/nighttime during the winter and summer season, until approximately 9 p.m. on occasion. The FEIS should evaluate and disclose direct, indirect and cumulative impacts from this new restaurant, and an expanded Dante's restaurant, in terms of noise and light disturbance in this lynx management unit.

Please provide more information on the third lynx conservation measure where the Applicant commits to developing "mechanisms that decrease habitat fragmentation and vehicle collisions resulting from increased traffic volume." Would this include constructed wildlife crossings? EPA is concerned that despite these conservation measures, the DEIS states that the proposed action's "collective effects would reach an intensity and extent that would result in incidental take, by 'harm' and 'harassment,' via habitat modifications impairing the ability of lynx to maintain a home range overlapping the project area" (ES-11). EPA recommends that the Forest Service consult further with the U.S. Fish and Wildlife Service to identify ways to prevent incidental take of the protected lynx.

Water Quality

The DEIS states that the snowmaking on the Mercy ski trail under Alternative 2 would not comply with regional or SJNF watershed management objectives (2-40). The Mercy trail runs within the watershed influence zone (WIZ) for its entire length, and encompasses 5.8 acres of snowmaking terrain. The DEIS states that snow removal as mitigation to reduce or remove the influence of increased quick flow at the end of the ski season would be "difficult to achieve successfully" because the trail is steep. The FEIS should provide some alternative mitigation for impacts from snowmaking on this ski trail, or otherwise document how compliance with regional or SJNF watershed management objectives will be achieved.

Wetlands

Under the proposed action, approximately 0.8 acres of palustrine forested (PFO) wetlands will be converted to emergent-type wetlands for the construction of lift lines and trail construction. In addition, more wetlands acres will be temporarily impacted for tower construction (1.4 acres). EPA considers the conversion of .8 acres of forested wetlands, which is 15 percent of the total on-site PFO resource acreage of 5.1 acres, to be a significant impact. The Wetlands Executive Order 11990 requires federal agencies "to

take action to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities ..." Additional mitigation for unavoidable adverse impacts to aquatic resources should be disclosed in the DEIS and considered by the applicant, including impacts to wetland types from vegetation removal/conversion, to ensure that the Forest Service complies with the EO 11990. Furthermore, the Corps of Engineers may require mitigation for indirect impacts to wetlands, including vegetation removal in wetlands, to justify a Finding of No Significant Impact (FONSI) under their Section 404 permit review. EPA recommends that the Forest Service require mitigation for all adverse impacts to aquatic resources within the Special Use Permit Boundary.

The DEIS should also disclose mitigation for all temporary impacts to wetlands for tower construction (1.4 acres) including the use of landscaping fabric, wood chips, or hay layers to mark and preserve existing wetland vegetation. Wetland areas should be marked in the field prior to construction activity and all temporary fill should be removed from the wetlands as soon as possible after the tower construction is completed. Forested wetlands near tower locations should be avoided where practicable.

The DEIS did not identify fens or peatlands within the DMR special use boundaries. Should these types of wetlands exist in the DMR boundary, their locations should be identified in the FEIS.

